

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**CARLOS FERRELL**

**Plaintiff,**

**vs.**

**CITY OF COOKEVILLE, a political  
subdivision and authorized by the State  
of Tennessee; COOKEVILLE POLICE  
DEPARTMENT, a law enforcement  
department of the City of Cookeville;**

**JEFF JOHNSON, CHIRS MELTON, JOSH  
WARD, MYKE GREEN, CHRIS WILLIAMS,  
and JOHN DOES #1 & 2, all Police  
Officers of the Cookeville Police  
Department;**

**PUTNAM COUNTY, a political  
subdivision and authorized by the State  
of Tennessee; PUTNAM COUNTY  
SHERIFF'S DEPARTMENT, a law  
enforcement department of the County  
of Putnam;**

**JOHN DOES # 3 & 4, each Sheriff's  
Deputies of the Putnam County Sheriff's  
Department;**

**Defendants**

**No.**

**JURY DEMAND**

**RESPONSE TO COOKEVILLE'S MOTION FOR AN APOLOGY ,ADMONISHMENT,  
AND GAG ORDER**

Your Plaintiff, in response to this motion, would respectfully show unto this Honorable Court the following:

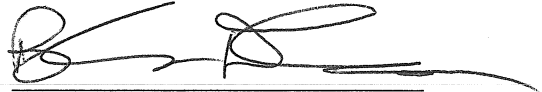
- A) It is critical to note that Mr. Ferrell is still being prosecuted by the Putnam County District Attorney's Office for all of the original charges that are at the heart

of this civil lawsuit.

- B) Carlos Ferrell has not admitted to the TBI or anyone else known to counsel that his allegations regarding planting of evidence were false.
- C) The video tape language where Carlos “admitted” the marijuana was his were not admissions, they were statements made out of fear and in agreement with whatever any officer had to say. At that point, Mr. Ferrell had been bitten by a German Sheppard, had his head slammed into a car trunk, and been treated inhumanely for reasons wholly unknown to him. He did not want to say anything disagreeable that may instigate another attack.
- D) All of Mr. Durham’s statements were made after the Putnam County District Attorney’s Office and Cookeville Police were made aware of the serious nature of the video. At Mr. Durham’s prompting, General Craighead reviewed the video. The next day, February 21, 2008 at 9:00 A.M., the Cookeville Police Department disseminated a Press Release and made the arrest video available for the media. This civil action had yet to be filed. This case was filed at 11:57 on the 21<sup>st</sup> of February.
- E) Mr. Durham was flooded with media request as a result of the Cookeville Police Departments Press and Video Release. All of his statements given to the media paraphrased the Complaint in this case, a public record.

Attached to this response is a copy of the press release sent to Mr. Durham by a reporter at the local Cookeville newspaper. Since Mr. Durham had not filed suit at this point, it is unknown how she knew to send it directly to him but she did. Also attached under seal to protect Mr. Ferrell in his criminal case is an affidavit from attorney Durham.

Respectfully submitted,



BLAIR DURHAM #21453  
1709 19<sup>th</sup> Avenue South  
Nashville, TN 37212

**ATTORNEY FOR PLAINTIFF**